

July 3, 2023

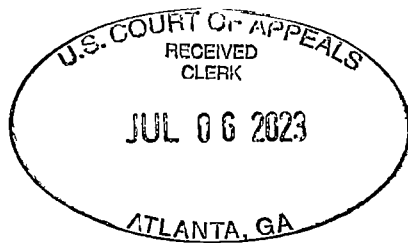
David J. Smith

Clerk of Court

U.S. Court of Appeals for the 11<sup>th</sup> Circuit

56 Forsyth Street, N.W.

Atlanta, Georgia 30303



**Re: Polelle v. Byrd, No. 22-14031JJ**

**FRAP Rule 28 (j) letter**

Dear Mr. Smith:

The recent decision of the United States Supreme Court in *303 Creative LLC v. Elenis*, No.21-476, 2023 WL 4277208 (June 30, 2023), supports a reversal in this appeal. The decision addressed issues of standing and the First Amendment. Both are key to resolution of the issues on appeal before this Court:

1. Standing: The owner of 303 Creative LLC had a credible fear that if she expanded her graphic design business to include wedding websites Colorado would compel her to celebrate same-sex weddings under pain of penalty. Polelle has an analogous credible fear that he would most certainly be compelled to endorse political affiliation in order to vote in Florida's closed-primary election or else suffer state sanctions for violating primary requirements. Polelle Br. 10-11.

2 Compelled Speech: "In this case, Colorado seeks to force an individual to speak in ways that align with its views but defy her conscience on a matter of major significance." *303 Creative LLC*, at \*16. Polelle also raises on appeal that the Florida closed-primary system compels him to endorse political associations with which he fundamentally disagrees and to support that closed-primary system with his tax dollars. Polelle Br. 23-25 and Reply Br. 13-15.

The undersigned has sent a copy of this letter to all other parties.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Polelle".

Michael J. Polelle

Plaintiff-Appellant, Pro Se      Word Count: 259

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